

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION

NO. 2:09-CV-34-FL

JOHN D. WOOTON

Plaintiff,

v.

CL, LLC, a Florida Limited Liability  
Company; TERRENCE COYLE,  
Individually and as Manager/Member of  
CL, LLC, a Florida Limited Liability  
Company; JAY ROBERT LUNDBLAD;  
PETER CHICOURIS; ANDERSON  
MIDGETT; STOCKTON MIDGETT;  
and MIDGETT REALTY, INC.,

Defendants.

DEFAULT JUDGMENT

This matter comes before the court upon motion of plaintiff John D. Wooton, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, for default judgment against defendants CL, LLC and Terrence Coyle (DE # 104). The court finds as follows:

1. Plaintiff filed complaint in this court on June 30, 2009.
2. Defendant CL, LLC was duly served with summons and a copy of the complaint on September 25, 2009.
3. Defendant Terrence Coyle was duly served with summons and a copy of the complaint on October 13, 2009.
4. Defendants CL, LLC and Terrence Coyle failed to appear, plead, or otherwise defend the allegations set forth in the complaint within the time allowed.

5. The Clerk entered default against defendants CL, LLC and Terrence Coyle on January 28, 2011.
6. Based upon the allegations in the verified complaint and the declarations of Dennis C. Rose and Lisa A. Dean, defendant CL, LLC is liable to plaintiff in the amount of \$80,000.00, plus prejudgment interest at a rate of 8% per annum, which interest totals \$25,916.75 as of this date.
7. Based upon the allegations in the verified complaint and the declarations of Dennis C. Rose and Lisa A. Dean, defendants CL, LLC and Terrence Coyle are jointly liable to plaintiff in the amount of \$320,000.00, plus prejudgment interest at a rate of 12.5%, which interest totals \$200,922.37 as of this date.
8. Based upon the allegations in the verified complaint and the declaration of James R. Gilreath, Jr., defendants CL, LLC and Terrence Coyle are jointly liable for plaintiff's reasonable attorneys' fees, which the court has calculated and finds to be reasonable pursuant to the procedure described in Grissom v. The Mills Corp., 549 F.3d 313, 320-21 (4th Cir. 2008), in the amount of \$81,735.00.
9. Based upon the allegations in the verified complaint and the declarations and affidavits submitted in support of plaintiff's motion, defendants CL, LLC and Terrence Coyle are jointly liable for plaintiff's costs in bringing this action pursuant to 28 U.S.C. § 1920 in the amount of \$2,793.55.\*

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\* Computer research expenses are not costs under § 1920. See Attrezzi, LLC v. Maytag Corp., 436 F.3d 32, 43 (1st Cir. 2006); Haroco, Inc. v. Am. Nat'l Bank & Trust Co. of Chicago, 38 F.3d 1429, 1440-41 (7th Cir. 1994). Accordingly, the court has reduced plaintiff's request for costs by \$202.77.

Based upon the foregoing findings of fact, it is ORDERED, ADJUDGED AND DECREED that default judgment is hereby entered against defendants CL, LLC and Terrence Coyle on plaintiff's claims.

It is further ORDERED, ADJUDGED AND DECREED that plaintiff is awarded the sum of \$105,916.75 in damages from defendant CL; the sum of \$520,922.37 in damages from defendant CL and defendant Coyle, who are jointly and severally liable for that amount; the sum of \$81,735.00 in attorneys' fees from defendant CL and defendant Coyle, who are jointly and severally liable for that amount; and the sum of \$2,793.55 in costs from defendant CL and defendant Coyle, who are jointly and severally liable for that amount.

It is further ORDERED, ADJUDGED AND DECREED that post-judgment interest on these amounts shall accrue at the rate specified in 28 U.S.C. § 1961.

SO ORDERED, this the 1st day of July, 2011.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LOUISE W. FLANAGAN  
Chief United States District Judge